

BARBARA A. MIKULSKI
MARYLAND

COMMITTEES:
APPROPRIATIONS

HEALTH, EDUCATION, LABOR,
AND PENSIONS

United States Senate

WASHINGTON, DC 20510-2003

December 2, 2010

The Honorable Lisa Jackson
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Ave., NW
Washington, D.C. 20460-0001

Dear Ms. Jackson:

I am forwarding for your attention correspondence I have received from the Allegany County Commissioners regarding their concerns about the initiation of the Watershed Implementation Plan (WIP).

I would appreciate your comments on this issue. Please respond directly to the Commissioners, and send a copy of your response to my Acting State Director Ms. Valerie Twanmoh in my Baltimore office, at the above address.

Thank you for your attention. I look forward to hearing from you.

Sincerely,



Barbara A. Mikulski
United States Senator

IN REPLY PLEASE REFER TO
OFFICE INDICATED:



☒ 1629 THAMES STREET, SUITE 400
BALTIMORE, MD 21231
(410) 962-4510
VOICE/TDD: (410) 962-4512

☐ 60 WEST STREET, SUITE 202
ANNAPOLIS, MD 21401-2448
(410) 263-1805
BALTIMORE: (410) 269-1650

☐ 6404 IVY LANE, SUITE 406
GREENBELT, MD 20770-1407
(301) 345-5517

☐ 32 WEST WASHINGTON STREET
ROOM 203
HAGERSTOWN, MD 21740-4804
(301) 797-2826

☐ THE PLAZA GALLERY BUILDING
212 MAIN STREET, SUITE 200
SALISBURY, MD 21801-2403
(410) 546-7711

BAM:wbk
Enclosure(s)



ALLEGANY COUNTY, MARYLAND

Office of The Board of Commissioners

701 Kelly Road, Suite 407, Cumberland, MD 21502
(301) 777-5912 FAX (301) 777-5819 www.allconet.org

Nov. 29

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BOARD OF COMMISSIONERS

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William M. Rudd, *Attorney*

October 26, 2010

The Honorable Barbara A. Mikulski
United States Senator – Maryland
503 Hart Senate Office Building
Washington, DC 20510

Dear Senator Mikulski:

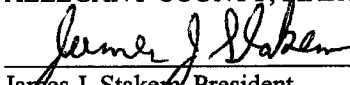
Attached is a copy of a letter we sent to MDE Secretary Shari Wilson requesting a delay in the initiation of the Watershed Implementation Plan (WIP). Also attached is an explanatory Memo from Planning Director Hager. All information is being sent to each member of the Allegany County Delegation.

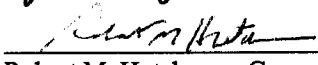
We ask that you review this information, and we urge you to join us in our efforts to stop MDE from implementing a regulatory scheme that is based upon data and assumptions that we have not seen. Time is of the essence, as the public comment period is scheduled to end on November 8th.

Thank you for your prompt attention to this matter and your continuing support for Allegany County. If additional information or clarification is needed, please feel free to contact Phil Hager at phil.hager@allconet.org (301/876-9555) or Angie Patterson, PE, at apatterson@allconet.org (301/777-2199x130).

Sincerely,

COUNTY COMMISSIONERS OF
ALLEGANY COUNTY, MARYLAND


James J. Stakem, President


Robert M. Hutcheson, Commissioner


Dale R. Lewis, Commissioner

PH:cb

Attachments

Cc: The Honorable George C. Edwards
The Honorable Wendell R. Beitzel
The Honorable Kevin Kelly
The Honorable LeRoy E. Myers, Jr.
David A. Eberly, County Administrator

Philip R. Hager, Executive Director, Planning Commission
Angie Patterson, PE, Land Use & Planning Engineer
Paul Kahl, Director of Public Works
Mark Yoder, Utilities Division Chief

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ALLEGANY COUNTY, MARYLAND

Office of The Board of Commissioners

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BOARD OF COMMISSIONERS

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Cathy E. Blank, Clerk
William M. Rudd, Attorney

October 20, 2010

The Honorable Shari T. Wilson, Secretary
Maryland Department of the Environment
1800 Washington Boulevard
Baltimore, MD 21230

Dear Secretary Wilson:

We, the County Commissioners of Allegany County, recently became aware of the impending initiation of Maryland's Watershed Implementation Plan (WIP). We understand that this Plan is a product of your department and represents Maryland's response to the clean water mandates identified in the EPA's Chesapeake Bay TMDL.

We are cognizant of the significant effort and energy that went into the development of the WIP. We compliment you and your staff on this effort. We also would like to formally go on record and thank you for the outreach efforts that are currently underway and for providing us with the opportunity to review and comment on the proposed WIP.

We understand that you plan to implement the WIP in three (3) phases. The first phase is scheduled to be finalized in December and the public comment period will end on November 8th. The proposed WIP is likely to have far-reaching implications for all Marylanders. Reading, digesting and analyzing the content of the WIP and trying to interpret its impacts will require far more time than the public review period currently provided.


A further complication is the fact that much of the data utilized by your staff in their assumptions is going to change. EPA is refining their numbers and will be providing new data in a few weeks. In essence, the plan that we are currently reviewing and the plan that we will be providing comments on is something that will not be implemented; at the same time, you are proposing to implement – without review – something new and different. This concerns us greatly.

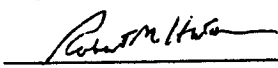
We believe that MDE should delay implementation until such time as they have the new data from EPA and that data is integrated into the WIP. After the WIP has been corrected, we should have a reasonable opportunity to review and provide comment on the revised plan.

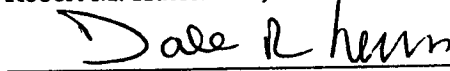
We urge you to revise your schedule, integrate the new data when it becomes available and inform EPA that you have made those modifications to the proposed implementation timetable because of their delay in providing data and because you are concerned about safeguarding the interests of Maryland residents and the natural resources that we treasure.

Sincerely,

COUNTY COMMISSIONERS OF
ALLEGANY COUNTY, MARYLAND


James J. Stakem, President


Robert M. Hutcheson, Commissioner


Dale R. Lewis, Commissioner

CC: The Honorable George C. Edwards, Maryland State Senator
The Honorable Wendell R. Beitzel, Maryland House of Delegates
The Honorable Kevin Kelly, Maryland House of Delegates
The Honorable LeRoy E. Myers, Jr., Maryland House of Delegates
Philip R. Hager, Executive Director, Planning Commission
Angie Patterson, PE, Land Use & Planning Engineer
Paul Kahl, Director of Public Works
Mark Yoder, Utilities Division Chief



ALLEGANY COUNTY
DEPARTMENT OF COMMUNITY SERVICES

701 Kelly Road
Cumberland, MD 21502
301-777-2199 FAX 301-722-2467

BOARD OF COMMISSIONERS

James J. Stakem, *President*
Robert M. Hutcheson
Dale R. Lewis

David A. Eberly, *County Administrator*

MEMORANDUM

TO: Board of County Commissioners
FROM: Philip R. Hager, Executive Director
Angie Patterson, PE, Land Use & Planning Engineer
RE: Watershed Implementation Plan
DATE: 18 October 2010
CC: David A. Eberly, County Administrator
Angie Patterson, PE, Land Use & Planning Engineer
Paul Kahl, Director, Public Works
Mark Yoder, Chief, Utilities Division
Planning & Zoning Commission

In response to the Environmental Protection Agency's (EPA) imposition of the Chesapeake Bay TMDL, the Maryland Department of the Environment (MDE) has developed a WIP (Watershed Implementation Plan) for the state. MDE has held several regional forums; Angie and I attended the October 27 meeting in Hagerstown.

MDE plans to implement the WIP in three (3) phases. The first phase is scheduled to be finalized in December. The public comment period for Phase I ends on November 8th.

The WIP is likely to have far-reaching implications for all Marylanders. The potential impacts to planning and land use are mind boggling. Reading, digesting and analyzing the content of the WIP and trying to interpret its impacts will require far more time than the modest public review provided by MDE.

A further complication is the fact that much of the data utilized by MDE in their assumptions is going to change. EPA is still refining their numbers and will be providing new data to MDE in a few weeks. The data that we are being afforded the opportunity to comment on are already out of date.

In essence, what MDE is asking us to do is sign a blank check. If nothing is done, MDE will finalize Phase I in December and the WIP will be initiated regardless of our comments. This is ill-advised.

MDE should delay implementation until such time as they have the new data from EPA and that data is integrated into the WIP. Then we should have a reasonable opportunity to review and comment on the latest and greatest information.

I have taken the liberty of preparing a letter to Secretary Wilson for your signature. I have also prepared a letter for the Delegation urging their support in delaying the implementation of Phase I until the correct data is integrated and adequate review time is provided.

Angie and I have prepared a powerpoint presentation that we had planned to deliver to the Planning Commission at Wednesday's Business Meeting. Unfortunately, due to the death of Commissioner Perrin's Father, that meeting was cancelled. If you feel that this presentation would be of value to you, we would be happy to provide you with a copy and/or provide a presentation at a Work Session. As always, Angie and/or I are available to provide additional information or clarification.